

9200/3727

PTO/SB/21 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/760,130
	Filing Date	1/12/01
	First Named Inventor	Jeffrey C. Herold
	Art Unit	unknown
	Examiner Name	unknown
Total Number of Pages in This Submission	Attorney Docket Number	033905-000014 TECHNOLOGY CENTER R3700

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NOV 26 2003

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Petition to Withdraw Holding of Abandonment; return postcard
Remarks		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm or Individual name	Adrienne Yeung, Reg. No. 44,000 - Thelen Reid & Priest LLP	
Signature		
Date	11/17/03	

CERTIFICATE OF MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	Diane Morse		
Signature		Date	11-18-03

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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TECHNOLOGY CENTER R370G

APPLICANT: Jeffrey C. Herold
SERIAL NO.: 09/760,130
FILING DATE: January 12, 2001
TITLE: ERGONOMICALLY CONFIGURED SHOULDER STRAPS SYSTEM
EXAMINER: Not assigned
ART UNIT: Not assigned

CERTIFICATE OF MAILING

I hereby certify that this paper is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date printed below:

Date: 11-18-03

Name: Diane Morse
Diane Morse

MAIL STOP PETITION
COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

The Applicant received a Notice of Termination of Proceedings Under 37 CFR 1.53(e) of this application mailed October 29, 2003. (A copy of the Notice is enclosed.) However, the Applicant does not believe that the application should have been abandoned and hereby petitions that the holding of abandonment be withdrawn for the following reasons.

The Notice of Termination indicates that the application was abandoned because the applicant failed to timely or properly reply to the Notice to File Corrected Application Papers mailed on February 26, 2001. However, the Applicant did in fact timely and properly reply by mailing 1) drawing figure 1.; 2) eight claims; 3) Abstract; and 4) a copy of the Notice. Enclosed

are copies of those documents with the certificate of mailing indicating that those documents were mailed to the PTO March 10, 2001. ✓

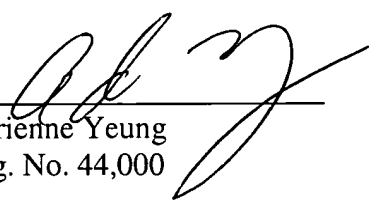
Accordingly the Applicant respectfully requests that the holding of abandonment be withdrawn and that examination of the application continue.

It is believed that no fee is required for filing the above-noted document. In the event any fee is required for filing of this Petition to Withdraw Holding of Abandonment, the Commissioner is hereby authorized to charge the fee to our Deposit Account No. 50-1698. A duplicate of this page is enclosed.

Respectfully submitted,

Thelen Reid & Priest LLP

Dated: November 17, 2003



Adrienne Yeung
Reg. No. 44,000

Thelen Reid & Priest LLP
P.O. Box 640640
San Jose, CA 95110
(408) 292-5800
(408) 287-8040 (Fax)



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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/760,130		Jeffrey Herold	033905-014

Robert E. Krebs
Thelen Reid & Priest LLP
P.O. Box 640640
San Jose, CA 95164-0640

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TECHNOLOGY CENTER R3700

CONFIRMATION NO. 2248
ABANDONMENT/TERMINATION
LETTER



OC000000011127094

Date Mailed: 10/29/2003

NOTICE OF TERMINATION OF PROCEEDINGS UNDER 37 CFR 1.53(e)

Proceedings on the above-identified application number are **TERMINATED**.

The application did not meet the requirements of 37 CFR 1.53(b), (c), or (d) to be entitled to a filing date, and the filing error(s) specified in the Notice mailed on 02/26/2001 were not timely corrected (37 CFR 1.53(e)).

The \$ 355 fee submitted with the application, less a \$130.00 handling fee, will be refunded or credited to your deposit account.

A copy of this notice MUST be returned with the reply.

Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

In Re: Herold, J.
Serial Number 09/760,130

Certificate of Mailing under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Assistant Commissioner for Patents
Washington, D.C. 20231

on 03/10/2001
Date


Signature

Joseph Page

Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Missing Parts Transmittal

Figure 1

Abstract

Claims (8)

Copy of Notice



In the United States Patent and Trademark Office

Applicant : Herold, Jeffrey
5 Serial No. : 09/760,130
Filed : 01/12/2001
Title : " Ergonomically Configured Shoulder Straps System "

Date: March 10, 2001

10

Commissioner of Patents and Trademarks
Washington, D.C. 20231

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TECHNOLOGY CENTER R3706

Missing Parts Transmittal

15

After receipt of Notice of Incomplete Nonprovisional Application mailed 02/26/2001, a review of the file copy in our office was made. It has been determined that an error, probably a result of a copier misfeed, left the submitted copy without claims, an abstract, and drawing figure #1. Please note that the notice omits notice regarding figure 1, but nevertheless, it appears to also be missing.

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Thus, submitted herewith are the claims (8), the abstract, and drawing figure 1. Please enter these into the file. Please further note that the original declaration was properly signed in view of the original eight claims and thus operates thereon with need for new declaration and no new declaration is being submitted.

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Please direct any questions to me as soon as possible so they can receive my immediate attention.

Respectfully submitted,

Joseph Page



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COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/760,130	01/12/2001	Jeffrey Herold	236.8

24734
PAGE LOHR ASSOCIATES
PO BOX 757
LA JOLLA, CA 92038

CONFIRMATION NO. 2248

FORMALITIES LETTER



OC000000005796955

Date Mailed: 02/26/2001

NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has NOT been accorded to the above-identified application papers for the reason(s) indicated below.

All of the items noted below and a newly executed oath or declaration covering the items must be submitted within **TWO MONTHS** of the date of this Notice, unless otherwise indicated, or proceedings on the application will be terminated (37 CFR 1.53(e)).

The filing date will be the date of receipt of all items required below, unless otherwise indicated. Any assertions that the item(s) required below were submitted, or are not necessary for a filing date, must be by way of petition directed to the attention of the Office of Petitions accompanied by the \$130.00 petition fee (37 CFR 1.17(i)). If the petition states that the application is entitled to a filing date, a request for a refund of the petition fee may be included in the petition.

- The specification does not include at least one claim.

The application is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given **TWO MONTHS** from the date of this Notice within which to correct the informalities indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- An abstract was not provided for this application. An abstract of the technical disclosure is required under 37 CFR 1.72(b).

*A copy of this notice **MUST** be returned with the reply.*

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